

PATENT
Docket No.: O2900.004/P043-D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
John R. Plate et al.

Serial No.: Not Yet Assigned

Filed: Concurrently Herewith

For: FORKLIFT STABILIZING
APPARATUS

U.S. Patent No.: 5,639,119

Granted: June 17, 1997



Assistant Commissioner for Patents
Washington, D.C. 20231

CONSENT OF ASSIGNEE

Dear Sir:

Trak International, Inc., assignee of U.S. Patent 5,639,119, consents to the filing of the accompanying reissue application for the reissue of U.S. Patent 5,639,119.

TRAK INTERNATIONAL, INC.

Curtis J. Laetz
By: Curtis J. Laetz
Title: Vice President and Secretary

Date: October 6, 1999

REISSUE DECLARATION AND POWER OF ATTORNEY

As below named inventors, we hereby declare as follows:

Our residence, post office address and citizenship are as stated below next to our name.

We believe we are the original, first and joint inventors of the invention entitled FORKLIFT STABILIZING APPARATUS described and claimed in the attached reissue specification and also described and claimed in U.S. Patent No. 5,639,119 ("the '119 patent") and for which invention a reissue patent is hereby solicited.

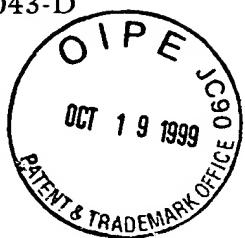
We have reviewed and understand the contents of the attached reissue specification, including the claims.

We acknowledge the duty to disclose all information which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.

We believe the '119 patent to be wholly or partly inoperative by reason of claiming less than we had the right to claim in the patent. In particular, claims 1, 6, 7 and 9 contain recitations concerning a stabilizer apparatus that are too limiting of the invention and unnecessary in view of the prior art. Claims 20 through 33 of the attached reissue application have limitations similar to those of claim 18, but define the invention with greater breadth.

All errors being corrected in the attached reissue application arose without any deceptive intention on the part of the applicants.

We hereby appoint Gary M. Hoffman, Reg. No. 26,411; Donald A. Gregory, Reg. No. 28,954; Thomas J. D'Amico, Reg. No. 28,371; James W. Brady, Jr., Reg. No. 32,115; Jon D. Grossman, Reg. No. 32,699; Mark J. Thronson, Reg. No. 33,082; Laurence E. Fisher, Reg. No. 37,131; William E. Powell, III, Reg. No. 39,803; Eric Oliver, Reg. No. 35,307; John R. Fuisz, Reg. No. 37,327; Brian A. Lemm, Reg. No. 43,748; Gianni Minutoli, Reg. No. 41,198; Salvatore P. Tamburo, Reg. No. P-45,153; and James M. Silbermann, Reg. No. 40,413, our attorneys with full power of substitution and revocation to prosecute this application and to receive correspondence from and transact all business in the Patent and Trademark Office connected therewith.



Address all correspondence concerning this application to:

Donald A. Gregory, Esq.
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature: 

Date: X 9-15-99

Full Name of Inventor: John R. Plate

Residence: Milwaukee, Wisconsin

Citizenship: United States

Post Office Address: X 9630 W. MARCELLA AVE. 53224

Inventor's Signature: 

Date: X 9-15-99

Full Name of Inventor: J. Scott Bargenquast

Residence: Saukville, Wisconsin

Citizenship: United States

Post Office Address: X 1975 DEERFIELD RD. SAUKVILLE, WI 53080

Inventor's Signature: 

Date: X 9-15-99

Full Name of Inventor: Terry A. Weber

Residence: Greenfield, Wisconsin

Citizenship: United States

Post Office Address: X 4005 So. 120TH GREENFIELD, WI 53228

ASSIGNMENT

IN CONSIDERATION of One Dollar and other good and valuable consideration, of which we, John R. Plate, J. Scott Bargenquast and Terry A. Weber, acknowledge receipt, we do hereby sell and assign to Trak International, Inc., a corporation organized under the laws of the State of Delaware and having a place of business at:

369 West Western Avenue
Port Washington, WI 53074

(hereinafter called "Assignee"), its successors and assigns the entire right, title and interest in and to the improvements in the FORKLIFT STABILIZING APPARATUS invented by us, as described in the application for United States patent executed concurrently herewith and any and all applications for patent and patents therefor in any and all countries, including all divisions, reissues, continuations and extensions thereof, and all rights of priority resulting from the filing of said United States application or from filing in any foreign country an application corresponding with or resulting from any application, and authorize and request any official whose duty it is to issue in any country a patent or patents on said improvements resulting therefrom to said Assignee or its nominees, successors or assigns and agree that on request and without further consideration, but at the expense of said Assignee, we will communicate to said Assignee or its representative or nominees any facts known to us respecting said improvements and will testify in any interference, opposition or

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other legal proceeding, sign all papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said improvements in all countries.

We further covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention and to any patent of the United States or foreign country or countries as may be granted therefor, in said Assignee, its successors, assigns or other legal representatives, and that we will, at any time upon request communicate to said assignee, its successors, assigns or other legal representative such facts relating to said invention and patent or the history thereof as may be known to us.

We further covenant and agree that said Assignee shall have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

November 20, 1992

John R. Plate
John R. Plate

NOVEMBER 23, 1992

J. Scott Bargenquist
J. Scott Bargenquist

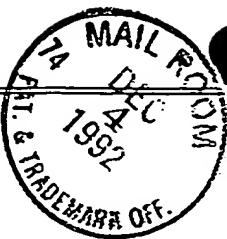
November 20, 1992

Ferry A. Weber
Ferry A. Weber

RECORDED
PATENT & TRADEMARK OFFICE

DEC-4 92

REF 6356 FRAME 60

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record and index the attached original documents or copy thereof.

1. Name of conveying party(ies):
John R. Plate, J. Scott Bargenquast and Terry A. Weber

2. Name and address of receiving party(ies):

Name: Trak International, Inc.

Address: 369 West Western Avenue

City: Port Washington State: WI Zip: 53074

Additional name(s) & address(es) attached? Yes No

3. Nature of Conveyance: Assignment

Execution Date: November 20, 1992 and November 23, 1992

4. This document is being filed together with a new application. The execution date of the application is: December 4, 1992

NO ADDITIONAL NUMBERS ATTACHED.

5. Name and address of party to whom correspondence concerning document should be mailed:

Fred Wiviott
Michael, Best & Friedrich
Suite 3300
100 East Wisconsin Avenue
Milwaukee, WI 53202-4108

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

 Enclosed Deficiencies in fee charged to Deposit Account

8. Deposit account number: 13-3080

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Fred Wiviott
Name of Person Signing
Attorney File 91121/9041

Signature

December 4, 1992
Date

9332697



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEB 24 1993

DATE: 01/28/93

TO:
FRED WIVIOTT
MICHAEL, BEST & FRIEDRICH
100 EAST WISCONSON AVENUE, SUITE 3300
MILWAUKEE, WI 53202-4108

9112119041

FEB 24 1993

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

MILWAUKEE, WI

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR: PLATE, JOHN R. DOC DATE: 11/20/92

ASSIGNOR: BARGENQUAST, J. SCOTT DOC DATE: 11/23/92

ASSIGNOR: WEBER, TERRY A. DOC DATE: 11/23/92

RECORDATION DATE: 12/04/92 NUMBER OF PAGES 003 REEL/FRAME 6356/0598

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
TRAK INTERNATIONAL, INC.
369 WEST WESTERN AVENUE
PORT WASHINGTON, WI 53074

SERIAL NUMBER 7-986145 FILING DATE 12/04/92
PATENT NUMBER ISSUE DATE 00/00/00

W. J. Sanderson

EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

ph



UNITED STA. DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

FEB 24 1993

DATE: 01/28/93

TO:
FRED WIVIOTT
MICHAEL, BEST & FRIEDRICH
100 EAST WISCONSON AVENUE, SUITE 3300
MILWAUKEE, WI 53202-4108

O I P E
OCT 19 1993
PATENT & TRADEMARK OFFICE
FEB 24 1993

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UNITED STATES PATENT AND TRADEMARK OFFICE
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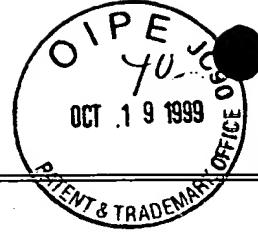
ASSIGNEE:
TRAK INTERNATIONAL, INC.
369 WEST WESTERN AVENUE
PORT WASHINGTON, WI 53074

SERIAL NUMBER 7-986145 FILING DATE 12/04/92
PATENT NUMBER ISSUE DATE 00/00/00

W. J. Kandler

EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

dh

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark OfficeRECORDATION FORM COVER SHEET
PATENTS ONLY

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John R. Plate, J. Scott Bargenquast and Terry A. Weber

2. Name and address of receiving party(ies):

Name: Trak International, Inc.

Address: 369 West Western Avenue

City: Port Washington State: WI Zip: 53074

Additional name(s) & address(es) attached? Yes No

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Execution Date: November 20, 1992 and November 23, 19924. This document is being filed together with a new application. The execution date of the application is: December 4, 1992

5. NO ADDITIONAL NUMBERS ATTACHED.

5. Name and address of party to whom correspondence concerning document should be mailed:

Fred Wivott
Michael, Best & Friedrich
Suite 3300
100 East Wisconsin Avenue
Milwaukee, WI 53202-41086. Total number of applications and patents involved: 1

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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Fred Wivott
Name of Person Signing
Attorney File 91121/9041

Signature

December 4, 1992
Date

9332693

ASSIGNMENT

IN CONSIDERATION of One Dollar and other good and valuable consideration, of which we, John R. Plate, J. Scott Bargenquast and Terry A. Weber, acknowledge receipt, we do hereby sell and assign to Trak International, Inc., a corporation organized under the laws of the State of Delaware and having a place of business at:

369 West Western Avenue
Port Washington, WI 53074

(hereinafter called "Assignee"), its successors and assigns the entire right, title and interest in and to the improvements in the FORKLIFT STABILIZING APPARATUS invented by us, as described in the application for United States patent executed concurrently herewith and any and all applications for patent and patents therefor in any and all countries, including all divisions, reissues, continuations and extensions thereof, and all rights of priority resulting from the filing of said United States application or from filing in any foreign country an application corresponding with or resulting from any application, and authorize and request any official whose duty it is to issue in any country a patent or patents on said improvements resulting therefrom to said Assignee or its nominees, successors or assigns and agree that on request and without further consideration, but at the expense of said Assignee, we will communicate to said Assignee or its representative or nominees any facts known to us respecting said improvements and will testify in any interference, opposition or

other legal proceeding, sign all papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid said Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said improvements in all countries.

We further covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention and to any patent of the United States or foreign country or countries as may be granted therefor, in said Assignee, its successors, assigns or other legal representatives, and that we will, at any time upon request communicate to said assignee, its successors, assigns or other legal representative such facts relating to said invention and patent or the history thereof as may be known to us.

We further covenant and agree that said Assignee shall have full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

November 20, 1992

John R. Plate
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J. Scott Bargenquist
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November 20, 1992

Ferry A. Weber
Ferry A. Weber

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PATENT & TRADEMARK OFFICE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant: John R. Plate et al.

Application No.: Not Yet Assigned

Filed: Concurrently Herewith

Entitled: Forklift Stabilizing Apparatus

Trak International, Inc.

Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

In the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 6356, Frame 0598, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below.

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

TRAK INTERNATIONAL, INC.

X October 6, 1999

Date

Curtis J. Laetz

Signature

X Curtis J. Laetz

Typed or printed name

X Vice President and Secretary

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.